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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,927	11/04/2003	Ta-Ming Chi	MR2349-965	3873
4586	7590	05/03/2005	EXAMINER	
ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLICOTT CITY, MD 21043			SAWHNEY, HARGOBIND S	
			ART UNIT	PAPER NUMBER

2875

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/699,927

Applicant(s)

CHI ET AL.

Examiner

Hargobind S. Sawhney

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 1-14 are objected to because of the following informalities:

Claim 1, line 3, "the housing" should be rephrased as -- the casing—as recited in line 2 of the claim. This suggested measure would avoid the error due insufficient antecedent basis.

Claim 8, line 2, "voice IC" should be rephrased as --voice integrated circuit (IC) -- for clear recitation.

Claims 2-14 are necessarily objected because of their dependency on the objected base Claim 1.

Appropriate correction is required.

Claim 1 of the instant application has been examined considering the limitation "the housing as --the casing --.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Togneri (US Patent No.: 4,639,724).

Regarding claims 1-4, 13 and 14, Togneri ('724) discloses a light emitting device for a light transmissive picture 20 (Figure 1), the light transmissive device comprising:

- a casing 10 having a front face and an opposite rear face 13 (Figure 1) ; a background light source 7 positioned in the casing (Figure 1, column 3, lines 63-67 and column 4, lined 21-25);
- a power supply powering the background light source 7 (not shown, column 4, lines 54-57); the light transmissive picture 20 made visible (Figure 1, column 5, lines 41-44 and 47-54);
- a recess 19 defined at the lateral side of the front face, and the recess receiving the light-transmissive picture 20 (Figure 1, column 5, lines 60-63);
- the light -transmissive picture attached to the front face (Figure 1, column 5, lines 41-44 and 47-54); and
- the background light source being LEDs (Figure 1, column 4, lines 32-39);
- the light transmissive picture 20 being transparent glass (Figure 1, column 5, lines 41-46).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2875

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Togneri (US Patent No.: 4,639,724) in view of Diceglie (US Patent No.: 4,096,656).

Regarding 5, Togneri ('724) discloses a light emitting device for a light transmissive picture 20 (Figure 1), and the light transmissive device comprising a plurality of LEDs as backlight source illuminating the picture.

However, Togneri ('724) does not specifically teach the light emitting device additionally including an additional decorative light source.

On the other hand, Diceglie ('656) discloses a lighted massage board 10 (Figure 1) comprising a plurality of light emitting LEDs 46 positioned along the periphery of the device (Figure 1, column 2, lines 44-47).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the light emitting device of Togneri ('724) by providing the led light sources and their poisoning as taught by Diceglie ('656) for benefit and advantage improving the attention value of the device with additional illumination.

Regarding Claims 6 and 7, Togneri ('724) in view of Diceglie ('656) discloses the light emitting device further including:

- a controller including a sequencing circuit 48, a timing circuit 50, a clock-circuit 52, and the controller providing control of lighting modes of the decorative light source (LEDs) 46 (Diceglie, Figures 1 and 3, column 2, lines 44-60).

6. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Togneri (US Patent No.: 4,639,724) in view of Rippen (US Patent No.: 6,147,623).

Regarding Claim 8, Togneri ('724) discloses a light emitting device for a light transmissive picture 20 (Figure 1), and the light transmissive device comprising a plurality of LEDs as back-light source illuminating the picture.

However, Togneri ('724) does not specifically teach the light emitting device additionally including an audio integrated circuit.

On the other hand, Rippen ('623) discloses an electronic message display 10 (Figure 1) including:

- a audio intergraded circuit (IC) 180 included in the IC of the microprocessor (Figures 1 and 4, column 4, lines 62-65);

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the light emitting device of Togneri ('724) by providing the audio IC as taught by Rippen ('623) for benefit and advantage improving attention value of the device with visual and sound.

Regarding Claims 9 and 10, Togneri ('724) in view of Rippen ('623) discloses the light emitting device further including:

- the audio IC connected to the power source – batteries – positioned within the body of the device (Rippen, Figure 2, column 3, lines 38-42);
- a controller including a sequencing circuit 48, a timing circuit 50, a clock-circuit 52, and the controller providing control of lighting modes of the

decorative light source (LEDs) 46 (Rippen, Figures 1 and 3, column 2, lines 44-60);

- the audio IC device connected to the power source (Rippen, Figures 1 and 4, and Claim 1, line 21 and 22).

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Togneri (US Patent No.: 4,639,724) in view of Rippen (US Patent No.: 6,147,623), as applied to Claim 10 above, and further in view of Manico (US Patent No.: 5,499,465).

Togneri ('724) in view of Rippen ('623) discloses the light emitting device further including an audio IC connected to the power source – batteries – positioned within the body of the device. However neither combined nor individual teaching of Togneri ('724) and Rippen ('623) specifically teaches a loud speaker connected to the audio IC.

On the other hand, Manico ('465) discloses a talking picture frame 10 (Figure 6) comprising a loud speaker 16 connected to microcontroller 15 including an audio IC (Figure 6, column 3, lines 14-17 and 21-24).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to further modify the light emitting device of Togneri ('724) in view of Rippen ('623) by providing the loud speaker combined with the audio IC as taught by Manico ('465) for benefit and advantage improving attention value of the device with visual and audio displays.

8. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Togneri (US Patent No.: 4,639,724) in view of Jean (US Patent No.: 6,681,509 B1).

Togneri ('724) discloses the light emitting device for a light transmissive picture, and the light emitting device including a switch. However, Togneri ('724) does not specifically teach the switch being a light-sensitive switch. On the other hand, Jean ('509 B1) discloses an illuminated picture 10 (Figure 1) including a light-emitting device 300 operationally coupled with a light-sensitive switch (Figure 1, column 7, lines 19-23).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to further modify the light emitting device of Togneri ('724) by providing the light-sensitive switch as taught by Manico ('465) for benefit and advantage energy conservation with automated operation of the display device.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Moshirnoroozi (US Patent Application Pub. No.: US 2004/0049962 A1), Wang (US Patent Application Pub. No.: US 2002/0040541 A1), Hermann (U.S. Patent No. 5,555,654), Fite (U.S. Patent No. 5,329,716), Glucksman et al. (U.S. Patent No. 4,819,353), Ross (U.S. Patent No. 4,748,756) and Sernovitz (U.S. Patent No. 4,317,303)

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S Sawhney whose telephone number is 571 272 2380. The examiner can normally be reached on 6:15 - 2:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571 272 2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HSS
4/28/05


Stephen Husar
Primary Examiner